



Atty Dkt. No.: CELL-017

USSN: 09/814,357

COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: July 1, 2002.

Typed or Printed Name Susan M. Alessi

Signature

Susan M. Alessi

Date

July 1, 2002

RESTRICTION ELECTION

Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Attorney Docket

CELL-017

First Named Inventor

YU et al.

Application Number

09/814.357

Filing Date

March 21, 2001

Group Art Unit

1635

Examiner Name

Whiteman, Brian A.

Title: METHODS OF TREATING NEOPLASIA WITH
COMBINATION OF TARGET CELL-SPECIFIC...

RECEIVED

JUL 11 2002

TECH CENTER 1600/2900

Sir:

The election is made in response to the Restriction Requirement mailed May 31, 2002, which set a one-month period for response, making this amendment due on or before July 1, 2002. Accordingly, this response is timely filed.

Applicants elect for prosecution the invention of Group 1, claims 1-51 and 55-58.

For the species elections, Applicants elect as follows. For the anti-neoplastic agent, Applicants elect alkaloids, as set forth in Claim 3. Claims that read on the elected species are 1-3, 11-26, 28-29, 31-35, 37-46, and 55-58. For the adenoviral gene essential for replication, Applicants elect early genes. Claims that read on the elected species are 1-18, 20-51 and 55-58. For the method of radiation therapy, Applicants elect external radiation. Claims that read on the elected species are 47-49 and 51. For the cell specific TRE, Applicants elect the prostate-specific antigen (PSA) TRE, and for a cell type, prostate cells. Claims that read on the elected species are 1-12, 14, 18-28, 41, 43, 47-51 and 55-58.

The Examiner has questioned the identification of the sequence referred to in Claim 32. In Applicants preliminary amendment of October 26, 2001, the sequence was identified as corresponding to SEQ ID NO:8.

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, he is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17

which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number CELL-017.

Atty Dkt. No.: CELL-017
USSN: 09/814,357

Respectfully submitted,

Date: July 1, 2002

By: *Pamela J. Sherwood*
Pamela J. Sherwood, Ph.D.
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

BEST AVAILABLE COPY



COPY OF PAPERS
ORIGINALLY FILED

1633

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/814,357
Filing Date	March 21, 2001
First Named Inventor	YU, DE-CHAO
Group Art Unit	1633
Examiner Name	
Attorney Docket Number	CELL-017

Total Number of Pages in This Submission 3

ENCLOSURES (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Restriction Election
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Supplemental Information
<input type="checkbox"/> Disclosure Statement

<input type="checkbox"/> Copy of References
<input type="checkbox"/> Response to Missing Parts/
Incomplete Application

<input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers
(for an Application)
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence
Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication
to Group
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter

<input checked="" type="checkbox"/> Other Enclosure(s) (please
identify below):

1. Return Receipt Postcard |
|---|---|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	PAMELA J. SHERWOOD, Reg. No. 36,677
Signature	
Date	July 1, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: July 1, 2002.

Typed or printed name	Susan M. Alessi
Signature	
Date	July 1, 2002

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

BEST AVAILABLE COPY

RECEIVED
JUL 11 2002
TECH CENTER 1600/2900